

DOCKET NO.: CHIR-0158 (0316.005)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Covacci *et al.*

Serial No.: 09/360,934

Filed: July 26, 1999

For:



Group Art Unit: 1638

Examiner: P. Bui

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HELICOBACTER PYLORI CYTOTOXIN PROTEINS TECH CENTER 1600/2900
USEFUL FOR VACCINES AND DIAGNOSTICS

I, Robin S. Quartin, Registration No. 45,028 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 6, 2001

Robin S. Quartin
Robin S. Quartin Reg. No. 45,028

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

COMMUNICATION

This communication is being filed to supplement the Response and Amendment, filed March 7, 2001, in response to the Official Action dated November 7, 2000. A petition for a one month extension of time and the appropriate fee accompanied that response. The Response and Amendment filed March 7, 2001 was fully responsive. Applicants submit that this communication is timely and that no extension of time or fee is required. To the extent Applicants are incorrect in their assessment, they hereby request the appropriate extension of time and authorize the charging of any fees due to Deposit Account 23-3050.

Applicants are submitting this communication to provide a copy of reference AQ, listed on the PTO-1449 form, filed with the Information Disclosure Statement filed on February 16, 2000, *i.e.*, Figura *et al.*, Serum antibodies to the vacuolating toxin produced by *Helicobacter pylori*, in "*Helicobacter pylori*, Gastritis and Peptic Ulcer" P. Malfertheiner & H. Ditschuneit (eds.), Springer-Verlag, Berlin (1990). A copy was not previously provided. Applicants have enclosed a copy of the previously initialed PTO-1449 form and request that the Examiner initial the Figura *et al.* reference upon review and forward a copy of the same to Applicants.

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PATENT APPLICATION

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Conclusion

Applicants respectfully submit that claims 38 - 40, 42, 43, 45, 46, and 48 - 53 are in condition for allowance. A notice of allowance is earnestly solicited. If the Examiner feels a telephonic interview would be helpful, she is asked to call the undersigned at 215-557-5901.

Correspondence

Applicants remind the Examiner that all correspondence from the Patent and Trademark Office concerning this application should continue to be sent to:

Alisa A. Harbin, Esq.
Vice President & Associate Chief Patent Counsel
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Respectfully submitted,



Robin S. Quartin
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Date: April 6, 2001

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Enclosures:

1. Copy of Figura *et al.*, Serum antibodies to the vacuolating toxin produced by *Helicobacter pylori*, in "*Helicobacter pylori*, Gastritis and Peptic Ulcer" P. Malfertheiner & H. Ditschuneit (eds.), Springer-Verlag, Berlin (1990).
2. Copy of initialed PTO-1449 form.